

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT FILED)		ORDER DISMISSING
BY MARVIE TSCHETTER ON BEHALF OF)		COMPLAINT AND CLOSING
BASEC.NET, HURON, SOUTH DAKOTA,)		DOCKET
AGAINST FIRSHEL, INC. AND QWEST)		
CORPORATION REGARDING A BILLING)		CT00-043
DISPUTE AND THE DELAYED RELEASE OF)		
SERVICE)		

On February 29, 2000, the Public Utilities Commission (Commission) received a complaint filed by Marvie Tschetter on behalf of Basec.Net, Huron, South Dakota (Complainant), against FirsTel, Inc. (FirsTel) regarding a billing dispute and the delayed release of service.

Pursuant to ARSD 20:10:01:08.01 and 20:10:01:09, if a complaint cannot be settled without formal action, the Commission shall determine if the complaint shows probable cause of an unlawful or unreasonable act, rate, practice or omission to go forward with the complaint.

On March 14, 2000, at a duly noticed meeting, Commission Staff recommended a finding of probable cause due to unresolved factual issues. The Commission voted unanimously to find probable cause. On October 13, 2000, the Commission received a Motion to Amend Complaint. On October 16, 2000, the Commission received a Motion to Join Qwest as a Party. A hearing was scheduled for December 13, 2000. By order dated November 8, 2000, the hearing was cancelled. By order dated November 16, 2000, the Commission approved the motion to amend the complaint and to add Qwest Corporation as a party. A second hearing was scheduled for February 22, 2001. On February 2, 2001, Commission Staff was informed that settlement had been reached in this matter. By order dated February 5, 2001, the hearing was cancelled.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01, 20:10:33, and 20:10:34.

On February 21, 2001, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 28th day of February, 2001.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner